

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CORDARRYL FITZGERALD CAMEL,	§	
	§	
Petitioner,	§	
v.	§	Civil Action No. 3:09-CV-2037-L
	§	
RICK THALER, Director	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER

Before the court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, filed October 29, 2009. Petitioner timely filed objections on November 10, 2009.*

This is a habeas petition brought pursuant to 28 U.S.C. § 2254. The magistrate judge determined that the petition should be dismissed without prejudice due to Petitioner's failure to exhaust his state remedies.


Petitioner objects to the magistrate judge's findings and conclusions. He contends that exhaustion of his claims is not required in light of *Artuz v. Bennett*, 531 U.S. 4 (2000). In *Artuz*, the Court considered whether "an application for state postconviction relief containing claims that are procedurally barred is 'properly filed' within the meaning" of 28 U.S.C. § 2244(d)(2). *Id.* at 5. Its holding is inapposite to this case, in which Petitioner admitted filing no direct appeal of his state

*Petitioner also sent a letter to the court, which was received on November 23, 2009. The court **directs** the clerk of the court to file this letter on the docket for this case. The letter is difficult to decipher, but it appears that Petitioner contends that he did not properly receive a copy of the magistrate judge's report. This contention, however, is without merit, as Petitioner filed a motion to extend his deadline to object to the magistrate judge's report on November 9, 2009, and filed objections to the report, which attached the magistrate judge's report, on November 10, 2009. The court did grant Petitioner's motion to extend the deadline for him to file objections until November 25, 2009; however, no additional objections were received. To the extent Petitioner's November 23, 2009 letter seeks relief not specifically addressed in this order, such relief is **denied**.

conviction. There has been no state habeas review of Petitioner's claim; thus it remains unexhausted. The court **overrules** Petitioner's objection.

Having reviewed the pleadings, file and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct, and they are **accepted** by the court. The court **dismisses** Petitioner's habeas petition **without prejudice**.

It is so ordered this 30th day of November, 2009.


Sam A. Lindsay
United States District Judge